

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 SUSAN SHELD, ELLEN SHELD,  
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7 Plaintiffs,

8 vs.

9 NCO FINANCIAL SYSTEMS, INC., *et al.*,  
10

11 Defendants.

2:15-cv-01140-JCM-VCF


**ORDER**

12 Before the Court are Plaintiffs' Motion to Extend Deadline for Filing Motion for Leave to  
13 Substitute the Personal Representative of the Deceased Plaintiff (ECF No. 27) and Motion to Substitute  
14 Wendy Sheld-Walker for Deceased Plaintiff Ellen Sheld Pursuant to FRCP 25(A)(1) (ECF No. 30).  
15 Defendants oppose Plaintiffs' Motion to Extend Deadline for Filing Motion for Leave to Substitute the  
16 Personal Representative of the Deceased Plaintiff. (ECF Nos. 28 & 29). They argue that Plaintiffs lack  
17 excusable negligence in filing a timely motion within the 90 day deadline. *Id.* The last day to file the  
18 motion to substitute the personal representative of the deceased Plaintiff was June 14, 2017.

19 On June 14, 2017, Plaintiffs timely filed their Motion to Substitute Wendy Sheld-Walker for  
20 Deceased Plaintiff Ellen Sheld Pursuant to FRCP 25(A)(1). (ECF No. 30). Defendants have not filed an  
21 opposition to Plaintiffs' Motion to Substitute. Under LR 7-2(d), the failure of an opposing party to file  
22 points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for  
23 attorney's fees, constitutes a consent to the granting of the motion. Here, the time to file an opposition  
24 has passed and it would seem that Defendants have consented to the granting of Plaintiffs' Motion to  
25 Substitute.

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IT IS FURTHER ORDERED that Plaintiffs' Motion to Extend Deadline for Filing Motion for Leave to Substitute the Personal Representative of the Deceased Plaintiff (ECF No. 27) is DENIED as MOOT.

  
CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE